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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

William Caton  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Motion to Accept Late-Filed Comments  
WT Docket No. 95-56

Dear Mr. Caton:

The attached reply comments were believed to have been filed on August 17, 1995. However, a review of the records discloses that the filing was not completed due to a processing error. Because these comments are reply comments that should not affect the substantive filings of other parties and because the Commission's record would benefit from the greatest degree of public participation, we are requesting that the Commission accept these late filed comments.

Should any questions arise, please contact the undersigned at (202) 828-3182.

Sincerely,



Eric W. DeSilva

Encl.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

WT Docket 95-56

This *Notice* requested comment on a proposal to allocate the 216-217 MHz band for LPRS and Automated Maritime Telecommunications Services. In response to a petition for rulemaking by ProNet, the *Notice* also specifically proposed to allocate two LPRS channels specifically for Law Enforcement Tracking Services (“LETS”). Such LETS systems provide

substantial public benefits by allowing law enforcement authorities to rapidly track and apprehend fleeing felons through the use of disguised, low power transmitters.

ProNet's original comments in this docket strongly supported the Commission's proposals. ProNet noted the compelling public interest benefits of LETS in policing and preventing crime in the nation, and specifically documented how its Electronic Tracking System ("ETS") was a proven, effective tool in the fight against property theft. ProNet also supported the Commission's technical proposals for the band, but requested a two minor alterations to the proposed rules. First, ProNet acknowledged the Commission's efforts to isolate LETS channels from TV Channel 13 by placing such operations in the highest part of the low power (100 mW) channel group, but urged the Commission to limit the two adjacent channels above LETS to 100 mW to ensure that interference to LETS would not be caused by relatively higher powered 1 W operations by LPRS licensees. Second, ProNet requested the Commission to expand the eligibility of LETS licensees to include campus security systems to accommodate the use of LETS technology as a "panic button" at campuses other institutions where violent crime is on the rise. As a final matter, ProNet also urged the Commission to adopt its proposals expeditiously and bring the benefits of LPRS and LETS to the public as soon as practicable.

## **II. THE RECORD DEMONSTRATES THAT THE RAPID ESTABLISHMENT OF THE LOW POWER RADIO SERVICE IS IN THE PUBLIC INTEREST**

The record in this proceeding uniformly supports the proposed allocation for LPRS in the 216-217 MHz band. Although a number of commenters have proposed minor modifications to the rules or requested authorization of additional functionalities, not a single commenter objects the basic principle of allocating spectrum for LPRS. Based upon this uniform consensus, ProNet believes the Commission should move forward expeditiously to adopt the noticed proposal and bring LPRS to fruition.

Commenters in this proceeding have overwhelmingly praised the Commission's proposal to allocate spectrum for LPRS in the 216-217 MHz band. Phonic Ear, which, with ProNet, originally advocated establishment of the service, "applauds the Commission's proposal."<sup>1</sup> Orion Telecom, for its part, "fully and enthusiastically supports all of the Commission's frequency allocation proposals."<sup>2</sup>

Notably, the support for the *Notice* proposals also extends specifically to the establishment of two channels for a Law Enforcement Tracking Service ("LETS"), with SEA, Inc. stating "[t]he [LETS] application is a valid one and the assignment of the Channels 19

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<sup>1</sup> Comments of Phonic Ear, Inc. at i. *See also* Comments of Self Help for Hard of Hearing People, Inc. ("SHHH Comments") at 1 (stating "SHHH is very pleased with the Commission's proposal to create a new Low Power Radio Service (LPRS) in the 216-217 MHz band.").

<sup>2</sup> Comments of Fred Daniel, d/b/a Orion Telecom ("Orion Comments") at 1.

and 20 in the band exclusively for this purpose has genuine merit.”<sup>3</sup> Similarly, Orion “supports the Commission’s proposed allocation in the band for law enforcement tracking,” since it notes that “improved law enforcement tracking of property of inestimable value will help immeasurably in discouraging theft [and] assist[ing] greatly in recovery of the property.”<sup>4</sup> Indeed, even MSTV, which has great concerns with protecting TV Channel 13 from interference from operations in the 216-217 MHz band, notes that “[Electronic Tracking System] devices have the potential of materially enhancing the effectiveness of local police departments,” and therefore “support[s] the Commission’s proposal to allocate the 216-217 MHz band to very low power . . . law enforcement tracking communications that do not pose a significant risk of interference to licensed operations.”<sup>5</sup>

Commenters in this proceeding have also recognized the immediacy of the need for the new LPRS allocation. In addition to ProNet, which “urge[d] the Commission to act expeditiously to conclude this rulemaking,”<sup>6</sup> Orion also notes that “[r]apid action on the Commission’s proposals will allow publicly beneficial use of spectrum which has lain fallow

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<sup>3</sup> Comments of SEA, Inc. at 8.

<sup>4</sup> Orion Comments at 2.

<sup>5</sup> Comments of the Association of Maximum Service Television, Inc. and other Television Broadcasting Entities at 3, 6. ProNet is also gratified to note that MSTV has indicated that it believes “operation of the ProNet device should not generate harmful interference to reception of television channels 13 and 10,” and that “ProNet’s revised proposal . . . appears to be responsive to the interference problems that MSTV previously identified.” *Id.* at 6 & n.6.

<sup>6</sup> Comments of ProNet, Inc. at 1.

too long.”<sup>7</sup> This strong record of support provides a sound foundation for the Commission to expeditiously act to realize the benefits of LPRS and LETS for the American public.

### **III. LPRS AND LETS ALLOCATIONS IN THE 216-217 MHz BAND SHOULD BE SECONDARY ONLY TO TELEVISION OPERATIONS**

In this proceeding and others, commenters have noted that the Commission’s proposals for LPRS and LETS are on a “secondary, non-interfering basis.”<sup>8</sup> It is ProNet’s understanding, however, that such operations would only be secondary to ensure non-interference with TV Channel 13. Under the circumstances, ProNet, like Phonic Ear and SHHH, urges the Commission to clarify that “no service have primary status over LPRS other than television broadcasting.”<sup>9</sup>

Like auditory assistance devices, LETS operations perform a critical function and are extremely sensitive to interference. It was precisely for those reasons that ProNet and Phonic Ear respectively sought additional spectrum where such operations could be accommodated without the threat of degrading interference from other sources. ProNet, like Phonic Ear, recognizes the proximity of the proposed allocation to TV Channel 13 and will protect such

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<sup>7</sup> Orion Comments at 1.

<sup>8</sup> See Notice at ¶1. See also Opposition of CTA Commercial Systems, Inc. to Petition for Clarification of ProNet, Inc., IC Docket No. 94-31 (filed August 10, 1995) (“CTA Opposition”). CTA argues in the WRC preparatory proceedings that ProNet’s request to have the Commission clarify how MSS LEO systems would ensure non-interference with LPRS operations should be addressed within the context of the LPRS proceeding inasmuch as the LPRS use is proposed to be secondary and non-interfering. CTA Opposition at 4.

<sup>9</sup> Comments of Phonic Ear at 4; SHHH Comments at 4.

operations. The spectrum compatibility of TV Channel 13 with ProNet's ETS system is, in fact, can be quantized, defined, and "engineered around." However, ProNet cannot "engineer around" systems that could be deployed in the future because the effects of such operations on ProNet's system cannot be estimated. Because commenters in other proceedings have already seized upon the Commission's use of "secondary, non-interfering" language as a basis for potentially limiting protection to LPRS, ProNet has become very concerned over the threat of future allocations on its operations. Accordingly, ProNet urges the Commission to affirmatively state that the secondary nature of LPRS operations is *only* with respect to TV Channel 13, and that any future radio operations in the 216-217 MHz band will not be granted primary status over LPRS.

#### **IV. THE PROPOSALS TO RADICALLY ALTER THE STRUCTURE OF THE LPRS ALLOCATIONS SHOULD NOT BE GRANTED**

Despite the overwhelming support for LPRS, there are a few commenters that have urged the Commission to undertake radical modifications to the band plan to accommodate other systems. First, Dr. Trahos urges the Commission to adopt modifications to allow use of the ten 1 watt Group 2 channels (nos. 21-30) for a "Personal Emergency Locator Transmitter Service" or "PELTS".<sup>10</sup> Without commenting on the need for, or perceived public interest benefits of, PELTS, ProNet objects, at a minimum, to the use of channels 21 and 22 for 1 watt operations. As ProNet explained in its original comments in this docket, LETS

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<sup>10</sup> Comments of Dr. Michael C. Trahos.

operations would be highly susceptible to interference from relatively higher power operations on adjacent channels 21 and 22. For reasons explained more fully in its original comments, channels 21 and 22 should be limited to 100 mW transmitter output power.

Second, SEA, Inc. has requested the Commission to explicitly channelize the entire 216-217 MHz band into extremely narrowband 5 kHz channels. ProNet strongly objects to this request as ProNet's ETS operations require the use of 25 kHz channels. This requirement is driven by the nature of the tracking signals and the unique constraints of a system that must be economic, concealable, long-range, and reliable. Thus, contrary to SEA's apparent position, conversion of all spectrum to extremely narrowband operation is neither desirable nor beneficial. ProNet notes, however, that it has no objection to individual licensees' choice of technology and supports the Commission's decision to allow licensees to utilize small subchannels where they deem advisable and where such subchannelization will not interfere with adjacent channel use. Use of narrowband channels to the exclusion of all other technologies should not, however, be artificially imposed on LPRS licensees in the event their operations require conventional 25 kHz channels.

## **V. CONCLUSION**

For the foregoing reasons, ProNet urges the Commission to adopt the Notice proposals, with the minor modifications suggested by ProNet in its original comments in this docket. The record demonstrates a strong foundation for rapidly moving forward with the allocation of the 216-217 MHz band to LPRS and, more specifically, the dedication of two



channels specifically for LETS operations. In so doing, the Commission should also clarify that no future allocations encompassing the 216-217 MHz band will be granted primary status over LPRS operations.

Respectfully submitted,

PRONET, INC.

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Dated: August 17, 1995